



INTERIOR BOARD OF INDIAN APPEALS

Cheyenne-Arapaho Tribal Election Board v. Acting Anadarko Area Director,
Bureau of Indian Affairs

21 IBIA 138 (01/08/1992)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

CHEYENNE-ARAPAHO TRIBAL	:	Order Affirming Decision
ELECTION BOARD,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 91-135-A
	:	
ACTING ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 8, 1992

This is an appeal from an August 8, 1991, decision of the Acting Anadarko Area Director, Bureau of Indian Affairs, concerning a tribal recall election.

Appellant's notice of appeal was received by the Board on September 3, 1991, and stated in its entirety:

On August 8, 1991, the Cheyenne-Arapaho Tribes of Oklahoma's Tribal Election Board received a decision from the Anadarko Acting Area Director, Mr. Joe B. Walker, that concerned an attempted recall of a member of the Cheyenne-Arapaho Business Committee, Juanita L. Learned, Arapaho District # 2 representative. A copy of Mr. Walker's decision is being provided to the Board.

In accordance with the regulations in 43 CFR 4.310-4.340, the Cheyenne-Arapaho Tribal Election Board, Concho, Oklahoma, hereby files a NOTICE OF INTENT TO APPEAL, to the decision made by the Anadarko Acting Area Director, Mr. Joe B. Walker, dated August 8, 1991.

The appeal was docketed on September 23, 1991, following receipt of the administrative record. Appellant was informed of its right to file a brief or statement. It filed nothing further.

In appeals arising under 25 CFR Part 2, an appellant bears the burden of proving that the BIA decision appealed from is erroneous or not supported by substantial evidence. See, e.g., Thomas v. Acting Aberdeen Area Director, 20 IBIA 88 (1991); Bell v. Aberdeen Area Director, 19 IBIA 150 (1990). In this case, appellant did not set forth any grounds for its appeal in its notice of appeal and did not file a brief. Under these circumstances, appellant has failed to carry its burden of proving error in the Acting Area Director's decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Anadarko Area Director's August 8, 1991, decision is affirmed.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge